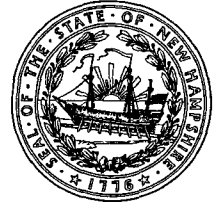




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2005-27

September 20, 2005

Steve Whiteaker
1489 Main Street
Leominster, MA 01453

RE: DES Wetlands File #2000-02734 Canterbury Shores Rd, Canterbury;
Tax Map/Lot # 2.201/201

Dear Mr. Whiteaker:

On July 7, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Canterbury Tax Map 2.201 as Lot 201 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A retaining wall has been constructed within the bank of New Pond, without a permit from the NHDES Wetlands Bureau.
2. Steps have been placed within the bank of New Pond, without a permit from the NHDES Wetlands Bureau.
3. A septic system is operating without DES approval
4. There is no record of a permit for the seasonal dock

In response, you are requested to take the following actions:

1. Within 20 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval detailing removal of the retaining wall and restoration of the bank. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, to include the normal high water mark; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and Revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

3. Within 20 days of receipt of this Letter of Deficiency, complete and submit the enclosed application to DES, in order to apply for an "after-the-fact" permit to retain the steps within the bank, and the seasonal dock.

A copy of this Letter of Deficiency is being forwarded to the DES, Subsurface Systems Bureau relative to the unapproved septic system on the property

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7005 0390 0001 8424 2979

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Richard de Seve, Compliance Supervisor, DES Subsurface Systems Bureau
Canterbury Conservation Commission
Canterbury Board of Selectmen
USACOE